

Change the heading for Env-A 100 to read as follows:

CHAPTER Env-A 100 ~~ORGANIZATIONAL RULES~~ ***PURPOSE; DEFINITIONS***

Statutory Authority: RSA 125-C:4, ***I; RSA 541-A:16, I(b)***

Change the heading of Env-A 101 to read as follows:

PART Env-A 101 ***PURPOSE; STATUTORY AND FEDERAL DEFINITIONS INCORPORATED***

Adopt Env-A 101.01 to read as follows:

Env-A 101.01 **Purpose.**

(a) The purpose of the rules in subtitle Env-A is to implement a comprehensive program to identify and control sources of air pollution so as to:

(1) Implement RSA 125-C to effectuate its purpose, as stated in RSA 125-C:1, namely to:

- a. Promote the public health, welfare, and safety;
- b. Prevent injury or detriment to human, plant, and animal life, physical property and other resources;
- c. Foster the comfort and convenience of the people;
- d. Promote the economic and social development of this state; and
- e. Facilitate the enjoyment of the natural attractions of the state; and

(2) Implement RSA 125-D, RSA 125-I, RSA 125-J, RSA 125-M, RSA 125-N, RSA 125-O, RSA 125-R, and RSA 141-E.

(b) The purpose of this chapter is to establish definitions that apply across all subsequent chapters in subtitle Env-A.

Readopt with amendment Env-A 101.01, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 101.02, to read as follows:

Env-A 101.01~~01~~ **Statutory Definitions Adopted-Incorporated.** Unless otherwise indicated, all words used in ~~these rules~~ ***subtitle Env-A*** shall have the same meanings given them by ~~RSA 125-C:2~~ ***the statute they implement.***

Adopt Env-A 101.03 to read as follows:

Env-A 101.03 **Federal Definitions Incorporated.** Unless otherwise noted, all references to 40 CFR shall be to the July 1, 2019 edition.

Change the heading of Env-A 102 to read as follows:

PART Env-A 102 ~~DESCRIPTION OF NH AIR RESOURCES COUNCIL AND DIVISION~~ ***DEFINITIONS:
A THROUGH C***

Readopt Env-A 101.02 through Env-A 101.05, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.01 through Env-A 102.04, to read as follows:

Env-A ~~101.02~~ ***102.01*** “Abatement” means either to reduce in amount and intensity, or to cease.

Env-A ~~101.03~~ ***102.02*** “Acid rain affected source” means a source that includes one or more acid rain affected units.

Env-A ~~101.04~~ ***102.03*** “Acid rain permit” means the portion of a title V operating permit, including any permit revisions, which specifies to the owner, operator or designated representative of the acid rain affected

source or the acid rain affected unit, the requirements applicable to such affected source or to each such affected unit at such an affected source, pursuant to Env-A 406 Acid Deposition Program or title IV Acid Deposition Control of the Act.

Env-A ~~101.05-102.04~~ “Activity” means an endeavor initiated by and/or carried out by any person.

Readopt Env-A 101.06, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 102.05, to read as follows:

Env-A ~~101.06-102.05~~ “Acute” means a type of exposure which is considered as a one-time or short-term exposure, with a typical duration of less than or equal to 24 hours. This type of exposure could also consist of multiple exposures or a continuous exposure over several, but no more than 14, days.

Readopt Env-A 101.07, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 102.06, to read as follows:

Env-A ~~101.07-102.06~~ “Acute fuel shortage” means a condition in which the availability of fuel is severely limited, and is expected to remain limited for less than 90 days.

Readopt with amendment Env-A 101.08, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.07, to read as follows:

Env-A ~~101.08-102.07~~ “Administrative permit amendment” means the following:

(a) “Administrative permit amendment” as defined in 40 CFR 70.7(d)(1)(i) through (iv), ***reprinted in Appendix D; or namely “a permit revision that:***

~~(1) Corrects typographical errors;~~

~~(2) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;~~

~~(3) Requires more frequent monitoring or reporting by the permittee;~~

~~(4) Allows for a change in ownership or operational control of a source where the permitting authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the permitting authority”; or~~

(b) A permit change made in either an initial temporary permit or an extended temporary permit ~~which~~ ***that*** meets ~~the all applicable~~ requirements of 40 CFR ~~section~~ §70.6, §70.7, and §70.8.

Readopt with amendment Env-A 101.09, eff. 5-29-97 (doc. #6518-A, non-expiring), and renumber as Env-A 102.08, to read as follows:

Env-A ~~101.09-102.08~~ “Administrator” means ~~either of the following depending on the purpose for its use: (a) For the purpose of Env-A 3300 and references to 40 CFR 60 therein, “administrator” means the commissioner or the administrator of the United States Environmental Protection Agency (EPA), or his authorized representative; thereof, or the commissioner of the department of environmental services if authorized by EPA.~~

~~(b) For the purpose of all other chapters within Env-A, “administrator” means the administrator of the United States Environmental Protection Agency.~~

Readopt Env-A 101.10, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.09, to read as follows:

Env-A ~~101.10-102.09~~ “Aerosols” means a system of particles suspended in gas which upon collection tend to coalesce and create uniform homogeneous films upon the surfaces of the collecting media.

Readopt with amendment Env-A 101.11 and Env-A 101.12, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.10 and Env-A 102.11, to read as follows:

Env-A ~~101.11~~***102.10*** "Affected source" means "affected source" as defined in RSA 125-C:2, ~~I-a, namely "any stationary source, the construction, installation, operation, and modification of which is subject to Title V, Clean Air Act, 42 U.S.C. 7401 et seq., as amended."~~***reprinted in Appendix C.***

Env-A ~~101.12~~***102.11*** "Affected states" means all states, including Connecticut, Maine, Massachusetts, New York, Rhode Island, and Vermont, ~~which~~***that*** meet at least one of the following criteria as listed in the definition of "affected states" in 40 CFR 70.2, ***reprinted in Appendix D. namely "all States:***

- ~~(1) Whose air quality may be affected and that are contiguous to the State in which a part 70 permit, permit modification or permit renewal is being proposed; or~~
- ~~(2) That are within 50 miles of the permitted source."~~

Readopt Env-A 101.13, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.12, to read as follows:

Env-A ~~101.13~~***102.12*** "Affected unit" means "affected unit" as defined in section 402 of the Act, namely "a unit that is subject to emission reduction requirements or limitations under this title."

Readopt with amendment Env-A 101.14, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 102.13, to read as follows:

Env-A ~~101.14~~***102.13*** "Air contaminant" means "air contaminant" as defined in RSA 125-C:2, II, and RSA 125-I:2, I, ~~namely "soot, cinders, ashes, dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof."~~***reprinted in Appendix C.***

Readopt with amendment Env-A 101.15 and Env-A 101.16, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.14 and Env-A 102.15, to read as follows:

Env-A ~~101.15~~***102.14*** "Air pollutant" means "air pollutant" as defined in RSA 125-C:2, II, ~~namely "soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof."~~***The term also includes aerosols reprinted in Appendix C.***

Env-A ~~101.16~~***102.15*** "Air pollution" means "air pollution" as defined in RSA 125-C:2, III, ~~namely "the presence in the outdoor atmosphere of one or more contaminants or any combination thereof in sufficient quantities and of such characteristics and duration as are or are likely to be injurious to public welfare, to the health of human, plant, or animal life, or cause damage to property or create a disagreeable or unnatural odor or obscure visibility or which unreasonably interfere with the enjoyment of life and property."~~***reprinted in Appendix C.***

Readopt Env-A 101.17, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.16, to read as follows:

Env-A ~~101.17~~***102.16*** "Air pollution control equipment" means any apparatus or process used in the control of air pollution as a result of rules, or any process which controls air pollution but is not vital to normal productions operations.

Readopt with amendment Env-A 101.18, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 102.17, to read as follows:

Env-A ~~101.18~~***102.17*** "Air toxic" means "air toxic" as defined in RSA 125-I:2, II, ~~namely "air contaminants designated by the commissioner of the department of environmental services from the organic compounds and metals listed by the United States Environmental Protection Agency in the Code of Federal Regulations, Title 40, Part 261, Subparts C and D and Table 4 of 450/5-86-011a and subsequent updates."~~***reprinted in Appendix C.***

Readopt with amendment Env-A 101.19, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.18, to read as follows:

Env-A ~~101.19~~***102.18*** “Allowable emissions” mean “allowable emissions” as defined in RSA 125-J:1, II, ***reprinted in Appendix C.*** ~~namely “the emission rate of a device or source calculated using the maximum rated capacity of the device or source, or, if applicable, federally enforceable limits which restrict the emission rate, operating rate, hours of operation, or any combination thereof, and the most stringent of the following:~~

(a) ~~Any applicable standard set forth in 40 CFR part 60 [New Source Performance Standards] or 40 CFR part 61 [National Emission Standards for Hazardous Air Pollutants];~~

(b) ~~Any applicable New Hampshire state implementation plan emission limitations, including a limitation with a future compliance date; or~~

(c) ~~Any emission rate specified as a condition of a federally enforceable permit issued by the division or EPA, including those with a future compliance date, or a federally enforceable emissions reductions credit certificate issued pursuant to an EPA approved economic incentive program (“EIP”).”~~

Readopt Env-A 101.20, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 101.19, to read as follows:

Env-A ~~101.20~~***102.19*** “Allowance” means an authorization by EPA to emit up to one ton of sulfur dioxide during or after a specified calendar year pursuant to the title IV Acid Deposition Control of the Act, or the regulations promulgated thereunder.

Readopt with amendment Env-A 101.21, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 101.20, to read as follows:

Env-A ~~101.21~~***102.20*** “Ambient air” means ~~the unconfined atmosphere that envelops the earth~~ ***“ambient air” as defined in RSA 125-I:2, III, reprinted in Appendix C.***

Readopt with amendment Env-A 101.22, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 102.21, to read as follows:

Env-A ~~101.22~~***102.21*** “Ambient air limit” means “ambient air limit” as defined in RSA 125-I:2, IV, ~~namely “the standard designated pursuant to RSA 125 I:4 that establishes the maximum allowable concentration of emissions of a specific regulated toxic air pollutant at or beyond the compliance boundary.”~~ ***reprinted in Appendix C.***

Readopt Env-A 101.23 and Env-A 101.24, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.22 and Env-A 102.23, to read as follows:

Env-A ~~101.23~~***102.22*** “Ambient air quality standard” means any standard which establishes the maximum allowable concentration of a specific pollutant in the ambient air of a region or subregion as established by the commissioner or administrator.

Env-A ~~101.24~~***102.23*** “Amendment” means a revision in the written contents of a permit, including but not limited to changes in emission limitations, applicable requirements, and operational characteristics. This term includes “administrative permit amendment”, “minor permit amendment”, and “significant permit amendment”.

Readopt Env-A 101.25, eff. 4-1-97 (doc. #6482-A, non-expiring), and renumber as Env-A 102.24, to read as follows:

Env-A ~~101.25~~***102.24*** “Annual” means a time period from January 1 of a calendar year through December 31 of the same year.

Readopt with amendment Env-A 101.26, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.25, to read as follows:

Env-A ~~101.26~~***102.25*** “Applicable requirement” means “applicable requirement” as defined in 40 CFR 70.2, ***reprinted in the Appendix D.*** ~~namely “all of the following as they apply to emissions units in a part 70~~

~~source (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future effective compliance dates):~~

~~(a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA for New Hampshire through rulemaking under title I [Programs and Activities] of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in part 52 of this chapter;~~

~~(b) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under title I [Programs and Activities], including parts C [Prevention of Significant Deterioration] or D [Plan Requirements for Nonattainment Areas], of the Act;~~

~~(c) Any standard or other requirement under section 111 [New Source Performance Standards] of the Act, including section 111(d);~~

~~(d) Any standard or other requirement under section 112 [Hazardous Air Pollutants] of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act;~~

~~(e) Any standard or other requirement of the acid rain program under title IV [Acid Deposition Control] of the Act, or the regulations promulgated thereunder;~~

~~(f) Any requirements established pursuant to section 504(b) [Monitoring and Analysis] or section 114(a)(3) [Inspections, Monitoring and Entry] of the Act;~~

~~(g) Any standard or other requirement governing solid waste incineration, under section 129 [Solid Waste Combustion] of the Act;~~

~~(h) Any standard or other requirement for consumer and commercial products, under section 183(e) [Control of Emissions from Certain Sources] of the Act;~~

~~(i) Any standard or other requirement for tank vessels under section 183(f) [Tank Vessel Standards] of the Act;~~

~~(j) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 [Air Pollution from Outer Continental Shelf Activities] of the Act;~~

~~(k) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI [Stratospheric Ozone Protection] of the Act, unless the Administrator has determined that such requirements need not be contained in a title V [operating] permit; and~~

~~(l) Any national ambient air quality standard or increment or visibility requirement under part C [Prevention of Significant Deterioration] of title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) [Permit Requirements and Condition for Temporary Sources] of the Act."~~

Readopt Env-A 101.27, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.26, to read as follows:

Env-A ~~101.27~~***102.26*** "Applicant" means a person who requests a permit or other form of license.

Readopt with amendment Env-A 101.28, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.27, to read as follows:

Env-A ~~101.28~~***102.27*** "Area source" means a ~~two~~***2***-dimensional, horizontal source from which air emissions are being released at a relatively uniform rate from every part of its surface.

Readopt Env-A 101.29 and Env-A 101.30, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 101.28 and Env-A 102.29, to read as follows:

Env-A ~~101.29~~***102.28*** "Arithmetic mean" means the sum of N (number) factors divided by N.

Env-A ~~101.30~~***102.29*** "ASTM" means the American Society for Testing and Materials.

Readopt with amendment Env-A 101.31, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.30, to read as follows:

Env-A ~~101.31~~***102.30*** "Best available control technology (BACT)" means "best available control technology" as defined in 40 CFR 52.21(12), ***reprinted in Appendix D. namely "an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject***

~~to regulation under the Act which would be emitted from any proposed major stationary source or major modification which the Administrator, on a case by case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results."~~

Readopt Env-A 101.32, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 102.31, to read as follows:

Env-A ~~101.32~~***102.31*** "Blended fuel" means any fuel containing a mixture of 2 or more fuels which, as combined, does not exceed the applicable pollutant content specified in Env-A 1600.

Readopt with amendment Env-A 101.33 and Env-A 101.34, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.32 and Env-A 102.33, to read as follows:

Env-A ~~101.33~~***102.32*** "British Thermal Unit (BTU)" means the quantity of heat required to raise the temperature of one pound of water at or near 39.2 degrees Fahrenheit (°F) by one ~~degree Fahrenheit~~***°F***. A BTU equals 251.98 calories.

Env-A ~~101.34~~***102.33*** "Calorie" means the quantity of heat required to raise the temperature of one gram of water at or near 4 degrees Celsius (°C) by one ~~degree Celsius~~***°C***.

Readopt Env-A 101.35, eff. 12-21-10 (#9839, non-expiring), and renumber as Env-A 102.34, to read as follows:

Env-A ~~101.35~~***102.34*** "Carbon dioxide equivalent emissions (CO₂e)" means a measurement of the global warming potential of GHGs emitted, determined by multiplying the mass amount of emissions in tons per year (tpy) of each gas in the pollutant group GHGs by the associated global warming potential for that gas published at Table A-1 to subpart A of 40 CFR part 98, Global Warming Potentials, and adding the resultant values to compute a tpy CO₂e for the GHGs.

Readopt Env-A 101.36, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.35, to read as follows:

Env-A ~~101.36~~***102.35*** "Carbon monoxide (CO)" means a colorless, odorless, toxic gas which is produced by incomplete burning of carbon containing substances.

Readopt with amendment Env-A 101.37, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 102.36, to read as follows:

Env-A ~~101.37~~***102.36*** "Ceiling limit value" means a concentration of a regulated air toxic pollutant ~~which~~***that*** if exceeded during any part of a working exposure, will cause detrimental effects to humans.

Readopt Env-A 101.38, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.37, to read as follows:

Env-A ~~101.38~~***102.37*** "Cement, ready mix concrete, and cement block source" means any source engaged in the manufacturing or handling of bulk cement, ready mix cement, or cement blocks.

Readopt with amendment Env-A 101.39 and Env-A 101.40, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.38 and Env-A 102.40, to read as follows:

Env-A ~~101.39-102.38~~ “Certificate of representation,” as used in the definition of “designated representative” ~~in this part,~~ means the completed and signed submission required pursuant to title IV Acid Deposition Control of the Act and which certifies the appointment of a designated representative authorized to represent the owner or operator of an acid rain affected source or an acid rain affected unit with regard to the requirements of title IV Acid Deposition Control.

Env-A ~~101.40-102.39~~ “Chemical Abstract Service (CAS)” means the service of the American Chemical Society ~~which~~ ***that*** is used to identify all existing chemicals through the use of unique numbers.

Readopt Env-A 101.41, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 102.40, to read as follows:

Env-A ~~101.41-102.40~~ “Chronic” means an exposure which lasts between one year and a lifetime in duration.

Readopt Env-A 101.42 and Env-A 101.43, eff. 3-5-97 (doc. #6469-A, non-expiring), and renumber as Env-A 102.41 and Env-A 102.42, to read as follows:

Env-A ~~101.42-102.41~~ “Class A major source” means a major source with a maximum total heat input capacity of 1000 MMBTU per hour or more.

Env-A ~~101.43-102.42~~ “Class B major source” means a major source with a maximum total heat input capacity of less than 1000 MMBTU per hour.

Readopt Env-A 101.44, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.43, to read as follows:

Env-A ~~101.44-102.43~~ “Clean Air Act (Act)” means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

Readopt Env-A 101.45, eff. 5-1-97 (doc. #6505-A, non-expiring), and renumber as Env-A 102.44, to read as follows:

Env-A ~~101.45-102.44~~ “Cleaning of fires” means the adjusting of a combustion process to improve and optimize operation of the device. This includes the adjustment of the flame using visual and process information.

Readopt with amendment Env-A 101.46, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 102.45, to read as follows:

Env-A ~~101.46-102.45~~ “Coal” means ***“coal”*** ~~all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society of Testing and Materials (ASTM), D388-77, as defined in 40 CFR 60.41(f),~~ ***reprinted in Appendix D.***

Readopt Env-A 101.47, eff. 4-23-99 (doc. #6983-A, non-expiring), and renumber as Env-A 102.46, to read as follows:

Env-A ~~101.47-102.46~~ “Combustion device” means any device, including incinerators, boilers, turbines and engines, as well as asphalt plant dryers and miscellaneous combustion sources, that discharge air pollutants into the ambient air as a result of a combustion process.

Readopt Env-A 101.48 through Env-A 101.50, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.47 through Env-A 101.49, to read as follows:

Env-A ~~101.48-102.47~~ “Combustion products” means the particulate and gaseous pollutants created by the oxidation or burning of any material.

Env-A ~~101.49-102.48~~ “Commenced” means “commenced” as applied to construction of a major emitting facility, and as defined in section 169(2) of the Act, namely “that the owner or operator has obtained all necessary preconstruction approvals or permits required by Federal, State, or local air pollution emissions and air quality laws or regulations and either has (i) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed within a reasonable time.”

Env-A ~~101.50-102.49~~ “Commissioner” means the commissioner of the state of New Hampshire department of environmental services.

Readopt with amendment Env-A 101.51 and Env-A 101.52, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 102.50 and Env-A 101.51, to read as follows:

Env-A ~~101.51-102.50~~ “Conforming fuel” means any fuel having a pollutant content ~~which~~ ***that*** is less than or equal to the applicable pollutant content limit for that particular fuel.

Env-A ~~101.52-102.51~~ “Consignment” means:

- (a) ~~A s~~shipment of liquid fuel 420,000 gallons and larger; or a
- (b) A shipment of coal 8,000 tons and larger.

Readopt Env-A 101.53, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.52, to read as follows:

Env-A ~~101.53-102.52~~ “Construction” means “construction” as defined in section 402 of the Act, namely “fabrication, erection, or installation of an affected unit.” In addition, pursuant to section 169(2)(C), “when used in connection with any source or facility [The definition of the term], includes the modification (as defined in section 111(a) [of the Act]) of any source or facility.”

Readopt Env-A 101.54, eff. 3-8-03 (doc. #7845, non-expiring), and renumber as Env-A 102.53, to read as follows:

Env-A ~~101.54-102.53~~ “Continuous Emission Monitoring System (CEMS)” means “continuous emission monitoring system” as defined in section 402(7) of the Act, namely “the equipment as required by section 412 [monitoring, reporting and recordkeeping], used to sample, analyze, measure, and provide on a continuous basis a permanent record of emissions and flow (expressed in pounds per million British thermal units (lbs/mmBtu), pounds per hour (lbs/hr) or such other form as the Administrator may prescribe by regulations under section 412).”

Readopt Env-A 101.55 and Env-A 101.56, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 102.54 and Env-A 102.55, to read as follows:

Env-A ~~101.55-102.54~~ “Control” means the application of equipment or methods designed to achieve the reductions of emissions necessary for attainment and maintenance of ambient air quality standards.

Env-A ~~101.56-102.55~~ “Council” means the air resources council of the state of New Hampshire, established pursuant to RSA 21-O.

Readopt with amendment Env-A 101.57, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 102.56, to read as follows:

Env-A ~~101.57-102.56~~ “Crude oil” means “~~crude oil~~” as defined in ASTM D 4175-92, namely “a naturally-occurring hydrocarbon mixture, generally in liquid state, ~~which may~~ ***that typically*** also ~~include~~ ***contains other organic and inorganic*** compounds. ~~of sulfur, nitrogen, oxygen, metals, and other elements.”~~

Change the heading of Env-A 103 to read as follows:

PART Env-A 103 ~~CLAIMS OF CONFIDENTIALITY~~ ***DEFINITIONS: D THROUGH L***

Repeal Env-A 103.01 through Env-A 103.05, eff. 6-30-95 (doc. #6057-A), as follows:

~~Env A 103.01 Purpose. The purpose of this part is to provide a mechanism by which a person who submits information to the director can protect confidential information, to the extent permitted under RSA 125 C:6, VII.~~

~~Env A 103.02 Applicability. Any person submitting information to the division may make a claim of confidentiality for all information submitted or any part thereof, pursuant to the criteria and procedural provisions of this part.~~

~~Env A 103.03 Procedure for Making a Claim of Confidentiality.~~

~~(a) Any person who wishes to make a claim of confidentiality to any information submitted to the division shall assert that claim at the time the information is initially submitted to the division by stamping the words "confidential" on each page containing such claimed information. If such claimant believes that only part of the information on a page is "confidential" or is a trade secret, the claimant shall identify all portions to which the claim applies at the time of submissions, and shall designate only that portion of the page as being "confidential".~~

~~(b) Upon receipt of a request for release of information that has been claimed as "confidential", the director shall review the information in conformance with the criteria set forth in Env A 103.04.~~

~~Env A 103.04 Criteria for Claims of Confidentiality.~~

~~(a) Claims of confidentiality may be made for any information, other than emission data, relating to secret processes or methods of manufacture or production.~~

~~(b) No claim of confidentiality shall be made with respect to the following:~~

~~(1) Any information for which no claim of confidentiality was made at the time of the initial submission of the information to the division;~~

~~(2) Emission data;~~

~~(3) Comments submitted by any person during the public comment period of any administrative proceeding governed by RSA 541 A, or other rule wherein a public hearing is mandated; or~~

~~(4) The information contained in a temporary, state permit to operate, or title V operating permit.~~

~~Env A 103.05 Release or Other Use of Information.~~

~~(a) If the director determines that the information is not confidential pursuant to RSA 91 A and RSA 125 C:6, VII, the director shall notify the claimant that the information shall be released on a specific date, which shall be no sooner than 10 days after the date of notification. If no objection to the release is received by the director prior to the specified release date, the information shall be released and thereafter the information shall no longer be deemed confidential.~~

~~(b) At the request of any agency of the state or federal government having an interest in or jurisdiction over a confidential or non-confidential matter, the director shall require the claimant to supply all information which the agency requests, regardless of confidentiality.~~

~~(c) The division is entitled to use any confidential or non-confidential information submitted to it for any purpose whatsoever, regardless of whether a claim of confidentiality has been asserted with respect to the information. Such purposes may include using the information for compiling surveys, statistics, or studies, or for carrying out enforcement and compliance activities.~~

Readopt Env-A 101.58, eff. 1-14-05 (doc. #8256, non-expiring), and renumber as Env-A 103.01, to read as follows:

Env-A ~~401.58~~ ***103.01*** "De minimis emission level" means an uncontrolled emission rate that is in compliance with an associated ambient air limit.

Readopt with amendment Env-A 101.59, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.02, to read as follows:

Env-A ~~101.59~~***103.02*** “Deem complete” means to ~~find~~***make a determination*** that an application contains the ~~information and application forms~~***components of an application package*** required by the ~~division~~***department*** in order to be ***subjected to*** reviewed as an application for a particular permit. It does not mean that the information so provided is correct, relevant, or entire, or that the ~~director~~***department*** will not require additional information in order to make a final determination as to the issuance of said permit.

Readopt Env-A 101.60, eff. 4-1-97 (doc. #6482-A, non-expiring), and renumber as Env-A 103.03, to read as follows:

Env-A ~~101.60~~***103.03*** “Demolition” means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operation or the intentional burning of any facility.

Readopt with amendment Env-A 101.61, eff. 1-14-05 (doc. #8256, non-expiring), and renumber as Env-A 103.04, to read as follows:

Env-A ~~101.61~~***103.04*** “Designated representative” means any of the following:

(a) “Responsible official” as defined in ~~this part~~***Env-A 104***;

(b) “Designated representative” as defined in section 402(26) of the Act, namely “a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit”; or

(c) In matters pertaining to the requirements of title IV Acid Deposition Control, a person who is authorized by the owner or operator of an acid rain affected source, or all acid rain affected units at such an affected source, as those terms are defined by federal law, as evidenced by a certificate of representation, to represent or legally bind the owner or operator in matters of federal law, including but not limited to the following:

- (1) The holding, transfer, or disposition of allowances allocated to an acid rain affected unit; and
- (2) The submission of, or compliance with, permits, permit applications, compliance plans, emission monitoring plans, continuous emissions monitor (CEM) and continuous opacity monitor (COM) certification notifications, CEM and COM certification and applications, quarterly monitoring and emission reports, and annual compliance certifications.

Readopt Env-A 101.62, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 103.05, to read as follows:

Env-A ~~101.62~~***103.05*** “Developmental effect” means an adverse effect on a developing organism ~~which~~***that*** results or ~~that~~ can result from exposure to either parent prior to conception, exposure to the organism during prenatal development, or exposure to the organism at any time during postnatal development to the time of sexual maturation. Such effects can be detected at any point in the life span of the organism. Manifestations of such effects can include death of the developing organism, structural abnormality, altered growth, or functional deficiency.

Readopt with amendment Env-A 101.63, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 103.06, to read as follows:

Env-A ~~101.63~~***103.06*** “Device” means either of the following depending on the purpose for its use:

(a) For purposes of RSA 125-C, “device” means “device which contributes to air pollution” as defined in RSA 125-C:2, VI, ***reprinted in Appendix C*** ~~namely “any burner, furnace, machine, equipment or article, which in the opinion of the director of the division of air resources contributes or may contribute to the pollution of the air”;~~ or

(b) For purposes of RSA 125-I, “device” means “device” as defined in RSA 125-I:2, IX, ***reprinted in Appendix C. namely “any burner, furnace, machine, equipment, or article which emits a regulated toxic air pollutant or air contaminant into the ambient air.”***

Readopt Env-A 101.64 through Env-A 101.67, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.07 through Env-A 103.10, to read as follows:

Env-A ~~101.64~~***103.07*** “Diesel engine” means any engine using diesel oil as a fuel and having compression ignition.

Env-A ~~101.65~~***103.08*** “Director” means the director of the state New Hampshire, department of environmental services, air resources division.

Env-A ~~101.66~~***103.09*** “Division” means the air resources division of the state of New Hampshire department of environmental services.

Env-A ~~101.67~~***103.10*** “Draft permit” means the version of a title V operating permit available for purposes of public notice and affected state review.

Readopt with amendment Env-A 101.671, eff. 8-15-18 (doc. #12583, non-expiring), and renumber as Env-A 103.11, to read as follows:

Env-A ~~101.671~~***103.11*** “Emergency generator” means a stationary internal combustion engine or stationary combustion turbine ~~which~~***that*** operates as a mechanical or electrical power source only during an emergency, as defined in Env-A 1302, or during periods of testing and scheduled maintenance. The term does not include an engine for which the owner or operator of such engine is party to any other agreement to sell electrical power from such engine to an electricity supplier, or otherwise receives any reduction in the cost of electrical power for agreeing to produce power during periods of reduced voltage or reduced power availability.

Readopt Env-A 101.68, eff. 9-28-96 (doc. #6343-A, non-expiring), and renumber as Env-A 103.12, to read as follows:

Env-A ~~101.68~~***103.12*** “Emergency motor vehicle” means any motor vehicle used by personnel of a fire, police, ambulance, or other emergency response unit, or public utility emergency response unit, in the performance or maintenance of their duties to protect public health, safety and welfare. This term includes the following types of motor vehicles:

- (a) Those under government control for the removal of snow;
- (b) Those used for towing or servicing of other emergency motor vehicles; and
- (c) Those used to respond to threats to public health, safety and welfare.

Readopt with amendment Env-A 101.69, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.13, to read as follows:

Env-A ~~101.69~~***103.13*** “Emission” means ~~a release of an air pollutant into the ambient air. As used in this definition, “air pollutants” are “air contaminants”, and “ambient air” is “outdoor atmosphere”, as those terms are used in the definition of “emission” pursuant to RSA 125-C:2, VIII~~***“emission” as defined in RSA 125-C:2, VIII, reprinted in Appendix C.***

Readopt with amendment Env-A 101.70, eff. 1-14-05 (doc. #8256, non-expiring), and renumber as Env-A 103.14, to read as follows:

Env-A ~~101.70~~***103.14*** “Emissions allowable under the permit” means “emissions allowable under the permit” as defined in 40 CFR 70.2, ~~as in effect on July 1, 1993, namely “a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit~~

~~(including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject."~~ ***reprinted in Appendix D.***

Readopt Env-A 101.71 and Env-A 101.72, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.15 and Env-A 103.16, to read as follows:

Env-A ~~101.71~~***103.15*** "Emission inventory" means the source, process and process equipment inventory and emission reports required to be submitted annually to the department for all sources of an air contaminant and, the source, process and emission data for stationary, area, and mobile sources upon which the department evaluates air quality and prepares and periodically updates the state implementation plan.

Env-A ~~101.72~~***103.16*** "Emission limitation" means "emission limitation" as defined in section 302(k) of the Act, namely "a requirement established by the State or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice or operational standard promulgated under this Act." This term includes "emission standard".

Readopt with amendment Env-A 101.73, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.17, to read as follows:

Env-A ~~101.73~~***103.17*** "Emissions unit" means "emissions unit" as defined in 40 CFR 70.2, ~~namely "any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act. This term is not meant to alter or affect the definition of the term "unit" for purposes of title IV of the Act."~~ ***reprinted in Appendix D.***

Readopt Env-A 101.74, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.18, to read as follows:

Env-A ~~101.74~~***103.18*** "EPA" means the United States Environmental Protection Agency.

Readopt Env-A 101.75, eff. 4-23-99 (doc. #6983-A, non-expiring), and renumber as Env-A 103.19, to read as follows:

Env-A ~~101.75~~***103.19*** "Excess emissions" means an air emission rate which exceeds any applicable emission limitation.

Readopt Env-A 101.76, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.20, to read as follows:

Env-A ~~101.76~~***103.20*** "Existing source" means any stationary source other than a new source.

Readopt with amendment Env-A 101.77, eff. 1-14-05 (doc. #8256, non-expiring), and renumber as Env-A 103.21, to read as follows:

Env-A ~~101.77~~***103.21*** "Facility" means, for the purpose of ~~RSA 125-I and RSA 125-C~~ ***and RSA 125-I***, a stationary source.

Readopt Env-A 101.78, eff. 6-30-95 (doc #6057-A, non-expiring), and renumber as Env-A 103.22, to read as follows:

Env-A ~~101.78~~***103.22*** "Federal implementation plan" means "federal implementation plan" as defined in section 302(y) of the Act, namely "a plan (or portion thereof) promulgated by the Administrator to fill all or a portion of a gap or otherwise correct all or a portion of an inadequacy in a State implementation plan, and which includes enforceable emission limitations or other control measures, means or techniques (including economic incentives, such as marketable permits or auctions of emissions allowances), and provides for attainment of the relevant national ambient air quality standard."

Readopt with amendment Env-A 101.79 and Env-A 101.80, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.23 and Env-A 103.24, to read as follows:

Env-A ~~101.79-103.23~~ “Federally enforceable” means all limitations and conditions ~~which~~***that*** are enforceable by the administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the state implementation plan, permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51, Subpart I including operating permits issued under an EPA approved program that is incorporated into the SIP and expressly requires adherence to any permit issued under such program.

Env-A ~~101.80-103.24~~ “Ferrous foundry” means ***a*** source used for melting or refining ferrous metals such as iron,~~which~~***that*** is constructed of numerous parts, including but not limited to, furnaces, checkers, flues, stacks, tuyeres, fans, blowers, tapping spouts, charging equipment, gas cleaning devices, and other auxiliaries. The term includes all types of foundry furnaces, including ***but not limited to*** cupola, rotary, reverberatory, electric, air, open hearth, and crucible.

Readopt with amendment Env-A 101.81 and Env-A 101.82, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.25, to read as follows:

Env-A ~~101.81-103.25~~ “Final action” means the issuance or denial of the proposed permit by the ~~director~~***department***.

Env-A ~~101.82-103.26~~ “Final permit” means:

(a) For the purposes of these rules, “final permit” as defined in 40 CFR 70.2, ~~namely “the version of a part 70 permit issued by the permitting authority that has completed all review procedures required by sections 70.7 and 70.8 of this part”~~***reprinted in Appendix D***; and

(b) For the purposes of RSA 125-C:11, III, ~~this term means a “state permit to operate”~~***as defined in Env-A 105***.

Readopt Env-A 101.83, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.27, to read as follows:

Env-A ~~101.83-103.27~~ “Flue gas” means the products of combustion that leaves a combustion device by way of a flue or stack.

Readopt with amendment Env-A 101.84, eff. 1-18-97 (doc. #6428-A, non-expiring), and renumber as Env-A 103.28, to read as follows:

Env-A ~~101.84-103.28~~ “Foundry” means the equipment used for the processing of metals.~~The term “processing” as used in this definition includes,~~***including but not limited to*** handling and preparing raw materials, producing metal molds and cores, and melting, casting and finishing metals.

Readopt Env-A 101.85 and Env-A 101.86, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.29 and Env-A 103.30, to read as follows:

Env-A ~~101.85-103.29~~ “Fuel” means any form of combustible matter such as solid, liquid, vaporous, or gaseous matter.

Env-A ~~101.86-103.30~~ “Fuel burning device” means any device engineered to burn fuel for the primary purpose of producing heat or power.

Readopt Env-A 101.87, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 103.31, to read as follows:

Env-A ~~101.87-103.31~~ “Fuel supplier” means any person selling fuel to an owner or operator of a source in New Hampshire.

Readopt with amendment Env-A 101.88, eff. 3-1-03 (doc. #7839, non-expiring), and renumber as Env-A 103.32, to read as follows:

Env-A ~~101.88-103.32~~ “Fugitive dust” means particulate matter ~~which is uncontaminated by pollutants resulting from industrial activity~~ ***emitted due to the forces of wind, human activity, or both***, including but not limited to ~~emissions~~ ***particulate matter emitted*** from haul roads, wind erosion of exposed surfaces and storage piles, and other removal, storage, transportation, or redistribution activities.

Readopt with amendment Env-A 101.89 through Env-A 101.92, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.33 through Env-A 103.36, to read as follows:

Env-A ~~101.89-103.33~~ “Fugitive emissions” mean “fugitive emissions” as defined in 40 CFR 70.2, ~~namely “emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.”~~ ***reprinted in Appendix D.***

Env-A ~~101.90-103.34~~ “Fumes” mean very small particles, ***often metals or metallic oxides***, resulting from chemical reactions or from the condensation of vapors produced in combustion, distillation, or sublimation, ***which may have a compositions that differs*** ~~The particles often are metals or metallic oxides. Their compositions may be different from those~~ ***that*** of the parent materials from which ~~they~~ ***the fumes*** originate.

Env-A ~~101.91-103.35~~ “Gases” mean formless fluids, ~~which~~ ***that*** under standard conditions, occupy the space of an enclosure and ~~which~~ ***that*** can be changed to a liquid or solid state only by the increase or decrease of pressure or temperature.

Env-A ~~101.92-103.36~~ “General permit” means a “general permit” as defined in 40 CFR 70.2, ~~namely “a part 70 [title V operating] permit that meets the requirements of 70.6(d).”~~ ***reprinted in Appendix D.***

Readopt with amendment Env-A 101.93, eff. 6-30-98 (doc. #6782-A, non-expiring), and renumber as Env-A 103.37, to read as follows:

Env-A ~~101.93-103.37~~ “General state permit” means a permit that the owner or operator of a source can choose to operate under in lieu of a state permit to operate.

Readopt with amendment Env-A 101.94, eff. 5-1-97 (doc. #6505-A, non-expiring), and renumber as Env-A 103.38, to read as follows:

Env-A ~~101.94-103.38~~ “Good boiler operating practice” means the operation of a boiler to maximize efficiency and safety of the unit. ~~Good boiler operating practice~~ ***The term*** includes but is not limited to the following activities:

(a) Operation of the boiler in an efficient manner consistent with the procedures set forth in ***“Combustion Efficiency Tables” dated 1991, published by Fairmont Press, specifically*** Chapter 3, titled “The ASME/ANSI Boiler Test Code, The Basis of Measuring Efficiency” and Chapter 5, titled “Boiler Tuneup” ~~in Combustion Efficiency Tables; Taplin, Harry R.; Fairmont Press, 1991;~~

(b) Operation of the boiler in such a manner as to maximize safety of all personnel;

(c) Operation of the boiler in such a manner so as to minimize, as much as possible, total pollutant emissions;

(d) Operation of the boiler such that there is no danger to public health; and

(e) The adherence to operation and maintenance procedures ~~which~~ ***that*** enhance, promote or maintain the good physical condition of the boiler and associated equipment.

Readopt Env-A 101.95, eff. 5-1-97 (doc. #6505-A, non-expiring), and renumber as Env-A 103.39, to read as follows:

Env-A ~~101.95-103.39~~ “Grate cleaning” means the process of performing on-line mechanical cleaning of a grate section of a boiler for the purpose of removing boiler ash and slag deposits.

Readopt Env-A 101.96, eff. 12-21-10 (doc. #9839, non-expiring), and renumber as Env-A 103.40, to read as follows:

Env-A ~~101.96~~***103.40*** “Greenhouse gases (GHGs)” means the group of 6 gases that, when emitted to the ambient air, act as a shield to trap heat in the earth’s atmosphere. The group is comprised of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Readopt with amendment Env-A 101.97 and Env-A 101.98, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.41 and Env-A 103.42, to read as follows:

Env-A ~~101.97~~***103.41*** “Hazardous air pollutant” means any air pollutant as-listed in section 112(b) of the Act.

Env-A ~~101.98~~***103.42*** “Heat release” means the amount of heat liberated by the complete combustion of a given unit of specific material from the inside volume of the furnace in which the combustion takes place, ~~and~~ expressed as calories per second per cubic meter or BTUs per hour per cubic foot.

Readopt Env-A 101.99, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.43, to read as follows:

Env-A ~~101.99~~***103.43*** “Heating values” mean the calories or BTUs released by the combustion of a given unit of specific fuel or waste.

Readopt Env-A 101.100, eff. 4-23-99 (doc. #6983-A, non-expiring), and renumber as Env-A 103.44, to read as follows:

Env-A ~~101.100~~***103.44*** “High ozone season” means the period from June 1 through August 31 of any given calendar year.

Readopt with amendment Env-A 101.101, eff. 1-18-97 (doc. #6428-A, non-expiring), and renumber as Env-A 103.45, to read as follows:

Env-A ~~101.101~~***103.45*** “Hot mix asphalt plant” means any facility, including all equipment, used for the manufacture of asphalt by heating and drying aggregate and asphalt concrete. The term “equipment” as used in this definition, includes ***but is not limited to*** burners, dryers, elevators, conveyors, screens, mixers, weighing equipment, bins, and air pollution control equipment.

Readopt with amendment Env-A 101.102, eff. 4-1-97 (doc. #6482-A, non-expiring), and renumber as Env-A 103.46, to read as follows:

Env-A ~~101.102~~***103.46*** “HVAC systems” means heating, ventilation, and air conditioning system(s).

Readopt with amendment Env-A 101.103, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.47, to read as follows:

Env-A ~~101.103~~***103.47*** “Hydrocarbons” means compounds ~~whose molecules~~ ***consisting*** of atoms of carbon and hydrogen ~~and which that~~ exist in the ambient air in gaseous state at standard conditions.

Readopt with amendment Env-A 101.104, eff. 4-23-13 (doc. #10316, non-expiring), and renumber as Env-A 103.48, to read as follows:

Env-A ~~101.104~~***103.48*** “Incinerator” means a device engineered to burn or oxidize solid, semi-solid, liquid, or gaseous waste for the primary purpose of volume reduction, disposal, or chemical destruction, leaving little or no combustible material. ~~Such devices~~***The term*** includes, but ~~are~~ ***is*** not limited to, heat recovery systems and wood waste burners.

Readopt with amendment Env-A 101.105, eff. 9-28-96 (doc. #6342-A, non-expiring), and renumber as Env-A 103.49, to read as follows:

Env-A ~~101.105~~***103.49*** “Interactive source” means any stationary source, area source, or device ~~which that~~ is:

(a) Located beyond the property boundaries of a source or device ~~which~~***that*** is required to perform an air pollution dispersion modeling analysis; and

(b) Emits any of the same air pollutants, except for hazardous air pollutants or toxic air pollutants, as the source or device required to perform such analysis.

Readopt with amendment Env-A 101.106, eff. 1-18-97 (doc. #6428-A, non-expiring), and renumber as Env-A 103.50, to read as follows:

Env-A ~~101.106~~***103.50*** “Investment casting operation” means a ceramic or metal casting process ~~which~~***that*** is used to make reproductions of sculptured pieces and ~~is~~ adapted for the manufacture of precision metal parts using the “lost wax process”.

Readopt with amendment Env-A 101.107 through Env-A 101.109, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.51 through Env-A 103.53, to read as follows:

Env-A ~~101.107~~***103.51*** “Issue” means to ~~make a final conclusion or to bring about an outcome of something arrived at or to be given after approval of a requirement~~***send out officially, such as a decision, by mailing copies, posting on a web site, or otherwise publishing.***

Env-A ~~101.108~~***103.52*** “Kraft mill” means any pulping process ~~which~~***that*** uses ~~as a cooking liquor~~; an alkaline sulfide solution containing sodium hydroxide and sodium sulfide ***as a cooking liquor.***

Env-A ~~101.109~~***103.53*** “Lead (Pb)” means a bluish-gray metallic chemical element, ***atomic number 82.***

Readopt with amendment Env-A 101.110 and Env-A 101.111, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 103.54 and Env-A 103.55, to read as follows:

Env-A ~~101.110~~***103.54*** “Lethal concentration fifty (LC50)” means a calculated concentration of an air pollutant ~~which~~***that*** designates the level at which inhalation of such pollutant for a specified time is expected to cause the death of 50% of an entire experimental animal population.

Env-A ~~101.111~~***103.55*** “Lethal dose fifty (LD50)” means a calculated oral or dermal dose of an air pollutant ~~which~~***that*** is expected to cause the death of 50% of an entire experimental animal population.

Readopt Env-A 101.112, eff. 3-28-98 (doc. #6724-A, non-expiring), and renumber as Env-A 103.56, to read as follows:

Env-A ~~101.112~~***103.56*** “Lime kiln” means a unit used to calcine lime mud, which is the process of heating calcium carbonate in the lime mud to a high temperature, without fusing, in order to drive off the carbon dioxide and to produce calcium oxide.

Readopt Env-A 101.113, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 103.57, to read as follows:

Env-A ~~101.113~~***103.57*** “Lowest Achievable Emission Rate (LAER)” means “lowest achievable emission rate” as defined in section 171 of the Act, namely “for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.”

Insert a heading for Env-A 104 to read as follows:

PART Env-A 104 DEFINITIONS: M THROUGH R

Readopt Env-A 101.114, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 104.01, to read as follows:

Env-A ~~101.114~~***104.01*** “Major fuel company” means all oil and coal companies that supply 10% or more of the annual fuel offered for use or sale within the state of New Hampshire in any calendar year.

Readopt with amendment Env-A 101.115, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.02, to read as follows:

Env-A ~~101.115~~***104.02*** “Major source” means a stationary source that has been identified as meeting a specified threshold for producing pollutants of concern. The term includes:

- (a) “Acid rain affected source” as defined in this part;
- (b) “Major source” as defined in 40 CFR 70.2, July 1, ~~2009~~***2014*** edition, ~~as amended at 75 FR 31607 by the addition of the phrase “subject to regulation” in paragraph (2) and the addition of a definition of that phrase reprinted in Appendix D;~~
- (c) ~~“Major stationary source” as defined in paragraph (3) of the definition of major source in 40 CFR 70.2, including the following:~~

- (1) Any source with the potential to emit nitrogen oxides in the following counties and specific quantities:
 - a. In Belknap, Carroll, Cheshire, Coos, Grafton, or Sullivan counties, 100 tpy or more; or
 - b. In Hillsborough, Merrimack, Rockingham, or Strafford counties, 50 tpy or more; or
- (2) Any source with the potential to emit volatile organic compounds in the quantity of 50 tpy or more; and

~~(d)~~ For purposes of Env-A 619, a major stationary source as defined in the federal definition cited in Env-A 619.03(a) or (b), as applicable.

Readopt with amendment Env-A 101.116, eff. 1-18-97 (doc. #6428-A, non-expiring), and renumber as Env-A 104.03, to read as follows:

Env-A ~~101.116~~***104.03*** “Malfunction” means “malfunction” as defined in 40 CFR 60.2, dated July 1, 1995, namely “any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.” ***reprinted in Appendix D.***

Readopt with amendment Env-A 101.117, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 104.04, to read as follows:

Env-A ~~101.117~~***104.04*** “Manufactured gas” means a mixture of gaseous hydrocarbons that ~~may~~***can*** include propane, propylene, butane, butylene, ~~and or~~ isobutane, ***or any combination thereof***, mixed in any proportion ***with each other*** or with air, that is produced by ~~the separation of~~ ***separating*** hydrocarbons of greater density from natural gas or oil-refinery gas.

Readopt with amendment Env-A 101.118, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.05, to read as follows:

Env-A ~~101.118~~***104.05*** “Maximum ~~a~~Achievable ~~c~~Control ~~t~~Technology (MACT)” means the technology required by amended section 112 of the Act for major sources of listed hazardous air pollutants, reflecting the maximum degree of emissions reductions achievable, taking into account availability, cost, and other factors.

Readopt Env-A 101.119 and Env-A 101.120, eff. 5-3-03 (doc. #7885, non-expiring), and renumber as Env-A 104.06 and Env-A 104.07, to read as follows:

Env-A ~~101.119~~***104.06*** “Minor permit amendment” means a change to a permit condition in a temporary permit or a state permit to operate issued to a source or device which does not:

- (a) Result in an increase in the amount of a specific air pollutant emitted by the source or device;
- (b) Result in the emission of any additional air pollutant; or
- (c) Necessitate the use of permit notice and hearing procedures.

Env-A ~~101.120~~***104.07*** “Minor permit modification” means a revision to a title V operating permit which:

- (a) Does not violate any applicable requirement;
- (b) Does not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
- (c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- (d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

- (1) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
 - (2) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Act;
- (e) Is not a modification under any provision of title I of the Act; and
- (f) Is not required by the State program to be processed as a significant modification.

Readopt Env-A 101.121, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.08, to read as follows:

Env-A ~~101.121~~***104.08*** “Mobile source” means any source involving motor vehicular activity.

Readopt with amendment Env-A 101.122, eff. 3-5-97 (doc. #6468A, non-expiring), and renumber as Env-A 104.09, to read as follows:

Env-A ~~101.122~~***104.09*** “Modification” means either of the following depending on the purpose for its use:

- (a) For purposes of RSA 125-C, “modification” means any physical or operational change in a stationary source or device which increases the amount of a specific air pollutant emitted by such source or device, or which results in the emission of any additional air pollutant, but does not include:
 - (1) Routine maintenance, repair, and replacement;
 - (2) Use of an alternative fuel or raw material by a stationary source which the source was capable of using before February 1, 1973 unless prohibited by an enforceable permit condition;
 - (3) Use of an alternative fuel derived from municipal solid waste in a steam generating unit; or
 - (4) An increase in the hours of operation or in the production rate unless prohibited by an enforceable permit condition; or
- (b) For purposes of RSA 125-I, “modification” means “modification” as defined in RSA 125-I:2, X, ~~namely “any physical or operational change in a stationary source or device which increases the amount of a specific regulated toxic air pollutant emitted by such source or device, or which results in the emission of any additional regulated toxic air pollutant.”~~***reprinted in Appendix C.***

Readopt Env-A 101.123, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.10, to read as follows:

Env-A ~~101.123~~***104.10*** “Motor vehicle” means an on-road vehicle powered by an internal combustion engine. This term includes motorcycles and emergency motor vehicles. For purposes of this definition, “on-road vehicle” means any vehicle which is authorized to operate on public roads.

Readopt Env-A 101.124, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 104.11, to read as follows:

Env-A ~~101.124~~***104.11*** “Mutagenic” means the ability of a chemical to cause a change in the genetic material in the nucleus of a cell in a way that can be transmitted during cell division.

Readopt Env-A 101.125 through Env-A 101.130, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.12 through Env-A 104.17, to read as follows:

Env-A ~~101.125~~***104.12*** “National Ambient Air Quality Standards (NAAQS)” mean the maximum air pollutant levels set by EPA, which if attained, allow an adequate margin of safety to protect human health.

Env-A ~~101.126~~***104.13*** “New source” means “new source” as defined by the following:

(a) For purposes of New Source Performance Standards, section 111(a)(2) of the Act, namely “any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source”; or

(b) For purposes of Hazardous Air Pollutants, section 112 of the Act, namely “a stationary source the construction or reconstruction of which is commenced after the Administrator first proposes regulations under this section establishing an emission standard applicable to such source.”

Env-A ~~101.127~~***104.14*** “New Source Performance Standards (NSPS)” means source specific standards set by the EPA for new sources or modified sources pursuant to section 111(a)(2) of the Act.

Env-A ~~101.128~~***104.15*** “New Source Review (NSR)” means a program for reviewing major sources and modifications prior to construction in nonattainment or PSD areas.

Env-A ~~101.129~~***104.16*** “Nitrogen Oxide (NOx)” means a gaseous mixture of which the most significant components are nitric oxide (NO), a colorless, poisonous gas obtained by oxidation of nitrogen or ammonia, and nitrogen dioxide (NO₂), a brownish to yellowish, poisonous gas.

Env-A ~~101.130~~***104.17*** “Non-attainment area” means an area which has been shown by monitored data or calculated by air quality modeling to exceed a New Hampshire or national ambient air quality standard for a specific pollutant.

Readopt with amendment Env-A 101.131, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 104.18, to read as follows:

Env-A ~~101.131~~***104.18*** “Non-conforming fuel” means any fuel that has a pollutant content ~~which~~***that*** exceeds the applicable pollutant content limit for that particular fuel.

Readopt Env-A 101.132 and Env-A 101.133, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.19 and Env-A 104.20, to read as follows:

Env-A ~~101.132~~***104.19*** “Non-ferrous foundry” means any facility used for melting or alloying non-ferrous metals such as brass, bronze or zinc, which is constructed of numerous parts, including but not limited to, furnaces, checkers, flues, stacks, tuyeres, fans, blowers, tapping spouts, charging equipment, gas cleaning devices, and other auxiliaries. The term includes all types of foundry furnaces, including as rotary, reverberatory, induction, crucible, and kettle.

Env-A ~~101.133~~**104.20** “Nuisance” means anything which annoys or disturbs the free use of property, or which renders its ordinary use or physical occupation uncomfortable.

Readopt Env-A 101.134, eff. 5-8-98 (doc. #6739-A, non-expiring), and renumber as Env-A 104.21, to read as follows:

Env-A ~~101.134~~**104.21** “Occupational exposure limit (OEL)” means the time-weighted average concentration of an airborne substance to which most workers can be exposed during a conventional workday and workweek, throughout a working lifetime, with no anticipated adverse health impact.

Readopt Env-A 101.135, eff. 1-14-05 (doc. #8256, non-expiring), and renumber as Env-A 104.22, to read as follows:

Env-A ~~101.135~~**104.22** “Off-permit change” means a change that is not addressed or prohibited by a title V operating permit.

Readopt Env-A 101.136, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.23, to read as follows:

Env-A ~~101.136~~**104.23** “Opacity” means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Readopt with amendment Env-A 101.137, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.24, to read as follows:

Env-A ~~101.137~~**104.24** “Owner or operator” means “owner or operator” as defined in 40 CFR 51.100(f), ~~namely “any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect.”~~ ***reprinted in Appendix D.***

Readopt with amendment Env-A 101.138 and Env-A 101.139, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.25 and 104.26, to read as follows:

Env-A ~~101.138~~**104.25** “Ozone (O₃)” means the most prevalent compound of those ***compounds*** called photochemical oxidants, ~~and which result from a complex series of atmospheric reactions initiated by being exposed to the ultraviolet component of sunlight. When reactive organic substances and nitrogen oxides accumulate in the atmosphere and are exposed to the ultraviolet component of sunlight, the formation of ozone and other photochemical oxidants occurs.~~

Env-A ~~101.139~~**104.26** “Particulate matter” means any material, except uncombined water, ~~which~~***that*** is or has been suspended in air or other gases and ~~which~~***that*** exists in a finely divided form as a liquid or solid at standard conditions.

Readopt with amendment Env-A 101.140, eff. 4-23-99 (doc. #6983-A, non-expiring), and renumber as Env-A 104.27, to read as follows:

Env-A ~~101.140~~**104.27** “Permit deviation” means any occurrence that results in an excursion from any emission limitation, operating condition, or work practice standard as specified in either a title V permit, state permit to operate, or temporary permit issued by the ~~division~~***department***.

Readopt with amendment Env-A 101.141 and Env-A 101.142, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.28 and Env-A 104.29, to read as follows:

Env-A ~~101.141~~**104.28** “Permitting authority” means the state of New Hampshire, department of environmental services, ***acting through its*** division of air resources.

Env-A ~~101.142~~**104.29** “Person” means “person” as defined in RSA 125-C:2, X, ~~namely “any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States, or political~~

Text deleted from existing rules shown ~~struck through~~Text that is completely new (introduced with **Insert** or **Adopt**) in regular font

~~subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties."~~
reprinted in Appendix C.

Readopt Env-A 101.143, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.30, to read as follows:

Env-A ~~101.143~~***104.30*** "Plant" means a stationary source.

Readopt with amendment Env-A 101.144, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.31, to read as follows:

Env-A ~~101.144~~***104.31*** "PM₁₀" means "PM₁₀" as defined in 40 CFR 51.100(qq), ~~namely "particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of part 50 of this chapter [40] or by an equivalent method designated in accordance with part 53 of this chapter."~~***reprinted in Appendix D.***

Readopt with amendment Env-A 101.145, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 104.32, to read as follows:

Env-A ~~101.145~~***104.32*** "Pollution control equipment" means "pollution control equipment" as defined in RSA 125-I:2, XI, ~~namely "any device that treats, removes, restricts, or otherwise controls the release or discharge of regulated toxic air pollutants that is not vital to normal production operations."~~***reprinted in Appendix C.***

Readopt Env-A 101.146, eff. 1-18-97 (doc. #6428-A, non-expiring), and renumber as Env-A 104.33, to read as follows:

Env-A ~~101.146~~***104.33*** "Portland cement plant" means any source manufacturing a type of hydraulic cement in the form of a finely divided gray powder composed of lime, alumina, silica, and iron oxide.

Readopt with amendment Env-A 101.147, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.34, to read as follows:

Env-A ~~101.147~~***104.34*** "Potential to emit" means "potential to emit" as defined in 40 CFR 70.2, ~~namely "the maximum capacity of a stationary source to emit any pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in title IV of the Act or the regulations promulgated thereunder."~~***reprinted in Appendix D.***

Readopt Env-A 101.148, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.35, to read as follows:

Env-A ~~101.148~~***104.35*** "Prevention" means to meet or satisfy in advance.

Readopt with amendment Env-A 101.149, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.36, to read as follows:

Env-A ~~101.149~~***104.36*** "Prevention of Significant Deterioration (PSD)" means the program under title I ~~which~~***that*** limits emissions increases in areas where NAAQS are already met.

Readopt with amendment Env-A 101.150, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 104.37, to read as follows:

Env-A ~~101.150~~***104.37*** “Process” means either of the following depending on the purpose for its use:

(a) For purposes of RSA 125-C, “process” means any operation which combines devices, equipment, raw materials, utilities, and manpower for the production of goods, services, energy, pollution control, or other purposes; or

(b) For purposes of RSA 125-I, “process” means “process” as defined in RSA 125-I:2, XII, ~~namely “any operation which combines devices, equipment, raw materials, utilities, and manpower for the production of goods, services, energy, pollution control or other purposes which emits a regulated toxic air pollutant into the ambient air.”~~***reprinted in Appendix C.***

Readopt Env-A 101.151 through Env-A 101.153, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.38 through Env-A 104.40, to read as follows:

Env-A ~~101.151~~***104.38*** “Process weight” means the total weight of all materials, including solid fuel charged, less the weights of uncombined water introduced into any source operation.

Env-A ~~101.152~~***104.39*** “Process weight rate” means the smallest value obtained by computing either of the following:

(a) For a continuous or long-run, steady-state source operation, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or part thereof; or

(b) For a cyclical or batch source operation, the total process weight for a period that covers a complete operation or any integral number of cycles, divided by the hours of actual process operation during such a period.

Env-A ~~101.153~~***104.40*** “Proposed permit” means the version of a title V operating permit that the division proposes to issue and submits to EPA for its review.

Readopt with amendment Env-A 101.154, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.41, to read as follows:

Env-A ~~101.154~~***104.41*** “Pulp and paper industry” means the segment of industry ~~which~~***that*** manufactures pulp, including kraft and sulfite pulps, and paper, including fine papers, coarse papers, and specialty papers.

Readopt Env-A 101.155, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.42, to read as follows:

Env-A ~~101.155~~***104.42*** “Reasonable” means fair, proper, just, moderate, suitable under the circumstances.

Readopt Env-A 101.156, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.43, to read as follows:

Env-A ~~101.156~~***104.43*** “Reasonable further progress” means “reasonable further progress” as defined in section 171 of the Act, namely “such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.”

Readopt with amendment Env-A 101.157 and Env-A 101.158, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.44 and Env-A 104.45, to read as follows:

Env-A ~~101.157~~***104.44*** “Reasonably ~~Available~~ ***Control Technology (RACT)***” means “reasonably available control technology” as defined in 40 CFR 51(o), ~~namely “devices, systems process modifications, or~~

~~other apparatus or techniques that are reasonably available taking into account (1) the necessity of imposing such controls in order to attain and maintain a national ambient air quality standard, (2) the social, environmental and economic impact of such controls, and (3) alternative means of providing for attainment and maintenance of such standard, (This provision defines §§ 51.110(c)(2) and 51.341(b) only).~~" ***reprinted in Appendix D.***

Env-A ~~101.158~~ ***104.45*** "Records" means documents of organized and orderly information kept for the purpose of creating a permanent history of an action, result, or event.

Readopt with amendment Env-A 101.159, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 104.46, to read as follows:

Env-A ~~101.159~~ ***104.46*** "Reference concentration limit" means "reference concentration limit" as defined in RSA 125-I:2, XIII, ~~namely "an estimate published by the United States environmental protection agency of a daily exposure to the human population, including sensitive subgroups, that is likely to be without an appreciable risk of deleterious noncancer effects during a lifetime."~~ ***reprinted in Appendix C.***

Readopt with amendment Env-A 101.160, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.41, to read as follows:

Env-A ~~101.160~~ ***104.47*** "Regulated air pollutant" means the following:

(a) "Regulated air pollutant" as defined in 40 CFR 70.2, except paragraph (5) of such definition, ***reprinted in Appendix D; or*** ~~which is paraphrased as (b), below. Namely, "regulated air pollutant" is any of the following:~~

- ~~(1) Nitrogen oxides or any volatile organic compounds;~~
- ~~(2) Any pollutant for which a national ambient air quality standard has been promulgated;~~
- ~~(3) Any pollutant that is subject to any standard promulgated under section 111 [Standards of Performance for New Stationary Sources] of the Act;~~
- ~~(4) Any Class I or II substance subject to a standard promulgated or established under title VI [Stratospheric Ozone Protection] of the Act; or"~~

(b) Any pollutant listed in section 112(b) List of Hazardous Pollutants of the Act, or in a rule promulgated pursuant to section 112(r) Prevention of Accidental Releases of the Act.

Readopt with amendment Env-A 101.161, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 104.48, to read as follows:

Env-A ~~101.161~~ ***104.48*** "Regulated toxic air pollutant" means "regulated toxic air pollutant" as defined in RSA 125-I:2, XIV, ~~namely "any substance or compound emitted into the ambient air by a stationary source and designated a regulated toxic air pollutant pursuant to RSA 125 I:4,"~~ ***reprinted in Appendix C. and The term*** includes any of the following:

(a) Any substance or compound which is listed as a hazardous air pollutant pursuant to section 112(b) of the Clean Air Act, 42 U.S.C. 7412, as amended;

(b) Any substance or compound for which there is a threshold limit value established by the American Conference of Governmental Industrial Hygienists;

(c) Any substance or compound which has been added to the list of regulated toxic air pollutants pursuant to RSA 125-I:4, V and Env-A 1400.

Readopt with amendment Env-A 101.162, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.49, to read as follows:

Env-A ~~101.162~~ ***104.49*** "Repowering" means:

(a) ~~The~~ replacement or conversion of an existing emissions unit with a new or converted unit ~~which results~~ ***resulting*** in lower emission rates of any air pollutant; ***or***

~~(b) This term also means the definition given it pursuant to~~ ***As defined in*** section 402 of the Act, ~~which generally means the replacement of an existing boiler with a technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.~~

Readopt with amendment Env-A 101.163, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 104.50, to read as follows:

Env-A ~~101.163~~***104.50*** “Reproductive effect” means an adverse effect on a reproductive system ~~which~~ ***that*** results or ***that*** can result from exposure to one or more environmental agents. The effect can be expressed as an alteration to a female or male reproductive organ, the endocrine system, or a pregnancy outcome. Manifestations of such effects include adverse effects to the on-set of puberty, gamete production and transport, reproductive cycle normality, sexual behavior, fertility, gestation, parturition, lactation, pregnancy outcome, or premature reproductive senescence, or modifications in other functions that are dependent on the integrity of the reproductive system.

Readopt with amendment Env-A 101.164 ~~and Env-A 101.165~~, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.51 ~~and Env-A 104.52~~, to read as follows:

Env-A ~~101.164~~***104.51*** “Research and ~~D~~development (***R&D***) operation” means any operation whose exclusive purpose is to conduct a systematic investigation designed to create a new process or product or to improve an existing process or product, including investigations conducted at academic and technological facilities, where such an operation is conducted under the close supervision of technically trained personnel and is not conducted to manufacture products for commercial sale in commerce.

Readopt Env-A 101.165, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.52, to read as follows:

Env-A ~~101.165~~***104.52*** “Reserve” means a bank of allowances established by the EPA under title IV Acid Deposition Control of the Act.

Readopt with amendment Env-A 101.166 and Env-A 101.167, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 104.53 and Env-A 104.54, to read as follows:

Env-A ~~101.166~~***104.53*** “Responsible official” means “responsible official” as defined in 40 CFR 70.2 as in effect on July 1, 1993, ***reprinted in Appendix D. namely, "one of the following:***

(a) ~~For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:~~

~~(1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or~~

~~(2) The delegation of authority to such representatives is approved in advance by the permitting authority;~~

~~(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;~~

~~(c) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part [definition], a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or~~

~~(d) For affected sources:~~

~~(1) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated thereunder are concerned; and~~

~~(2) The designated representative for any other purposes under [40 CFR] part 70."~~

Env-A ~~101.167~~***104.54*** “Revoke” means to take away, annul, or suspend a permit to operate, ~~or temporary permit, or any other license, certificate, registration, or other approval issued by the director if following a hearing the director determines:~~ ***department following the opportunity for an adjudicative hearing held in accordance with Env-A 203.01(b).***

(a) ~~That the permit holder has committed a violation of this chapter or any rule, order or permit conditions in force and applicable to it; or~~

(b) ~~That emission from the device to which the permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.~~

~~Env-A 101.168 ***Sand and Gravel Source.***~~

Insert a heading for Env-A 105 to read as follows:

PART Env-A 105 DEFINITIONS: S THROUGH Z

Readopt with amendment Env-A 101.169, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.01, to read as follows:

Env-A ~~101.169~~***105.01*** “Schedule of Compliance” means a schedule of remedial measures ***that will be implemented by the person(s) responsible for the underlying violations and that*** ~~includes~~ an enforceable sequence of actions, ~~that leading~~ to compliance with applicable implementation plans, emissions standards, emission limitations, emission prohibitions, or other state or federal requirement.

Readopt Env-A 101.170 through Env-A 101.172, eff. 1-18-97 (doc. #6428-A, non-expiring), and renumber as Env-A 105.02 through Env-A 105.04, to read as follows:

Env-A ~~101.170~~***105.02*** “Secondary brass and bronze ingot production plant” means any source producing brass or bronze ingots from ***new or scrap*** copper, zinc, tin, lead, or other ~~scrap~~ metals.

Env-A ~~101.171~~***105.03*** “Secondary lead smelter” means any source producing lead from lead-bearing scrap material by smelting such material to a metallic form.

Env-A ~~101.172~~***105.04*** “Shutdown” means the cessation of operation of any stationary source, area source, or device for any purpose.

Readopt Env-A 101.173, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.05, to read as follows:

Env-A ~~101.173~~***105.05*** “Single industrial grouping” as used in the definition of “major source” means a compilation where all pollutant emitting activities at a source or group of sources.

Readopt Env-A 101.174, eff. 1-18-97 (doc. #6428-A, non-expiring), and renumber as Env-A 105.02 through Env-A 105.06, to read as follows:

Env-A ~~101.174~~***105.06*** “Smelter” means a furnace used to treat an ore by heating it to high temperatures for the purpose of separating any metallic portion from the non-metallic portion of the ore.

Readopt with amendment Env-A 101.175, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.08, to read as follows:

Env-A ~~101.175~~***105.07*** “Smoke” means small gas-borne particles resulting from incomplete combustion ***that*** ~~consisting~~ predominantly, but not exclusively, of carbon ash and other combustible materials.

Readopt with amendment Env-A 101.176, eff. 5-1-97 (doc. #6505-A, non-expiring), and renumber as Env-A 105.08, to read as follows:

Env-A ~~101.176~~***105.08*** “Soot blowing” means the activation of mechanical devices for on-line cleaning of gas-side soot, boiler ash, and slag deposits to provide for optimum heat transfer and safe operation of ~~the~~ boiler.

Readopt with amendment Env-A 101.177, eff. 6-30-98 (doc. #6782-A, non-expiring), and renumber as Env-A 105.09, to read as follows:

Env-A ~~101.177~~***105.09*** “Source category” means a category of stationary sources, area sources, or devices that: ~~(a) Require a state permit to operate pursuant to Env-A 608; and (b) Are sufficiently similar that the same regulatory requirements can be applied to all stationary sources, area sources, or devices in the category.~~

Readopt Env-A 101.178, eff. 3-28-98 (doc. #6724-A, non-expiring), and renumber as Env-A 105.10, to read as follows:

Env-A ~~101.178~~***105.10*** “Span value” means the upper limit of the gas concentration measurement range.

Readopt Env-A 101.179, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.11, to read as follows:

Env-A ~~101.179~~***105.11*** “Stack” means any chimney, flue, or duct arranged to discharge an emission to the ambient air.

Readopt with amendment Env-A 101.180 through Env-A 101.182, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.12 through Env-A 105.14, to read as follows:

Env-A ~~101.180~~***105.12*** “Standard conditions” mean a temperature of 20°C, ***equivalent to 68°F***, and a pressure of 101.3 kilopascals, ***equivalent to 29.92 inches of Hg***.

Env-A ~~101.181~~***105.13*** “Standard cubic foot” means one cubic foot of gas at 20°C or 68°F, and at a pressure of 101.3 kilopascals or 29.92 inches of Hg ***standard conditions***.

Env-A ~~101.182~~***105.14*** “Standard cubic meter” means one cubic meter of gas at 20°C or 68°F, and at a pressure of 101.3 kilopascals, or 29.92 inches of Hg ***standard conditions***.

Readopt with amendment Env-A 101.183, eff. 1-18-97 (doc. #6428-A, non-expiring), and renumber as Env-A 105.15, to read as follows:

Env-A ~~101.183~~***105.15*** “Startup” means the setting in operation of any stationary source, area source, or device.

Readopt with amendment Env-A 101.184, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.16, to read as follows:

Env-A ~~101.184~~***105.16*** “State implementation plan” means the plan required ***by the Act*** for the state of New Hampshire, ~~by the Act containing~~ ***which contains*** strategies, programs, and rules to attain and maintain the national ambient air quality standards.

Readopt with amendment Env-A 101.185, eff. 5-3-03 (doc. #7885, non-expiring), and renumber as Env-A 105.17, to read as follows:

Env-A ~~101.185~~***105.17*** “State permit to operate” means a permit that ~~might~~ ***can*** contain conditions ~~and which that~~ is issued prior to operation or modification of a stationary source, area source, or device.

Readopt with amendment Env-A 101.186, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.18, to read as follows:

Env-A ~~101.186~~***105.18*** “State requirement” means a requirement ~~of a that is not federally-enforceable and is established in:~~

(a) ~~A New Hampshire statute or rule promulgated by the New Hampshire air resources division that regulates or authorizes the department to regulate some aspect of air emissions or air quality, including but not limited to RSA 125-C, RSA 125-D, RSA 125-I, RSA 125-J, RSA 125-K, and RSA 141-E, and the NEW HAMPSHIRE RULES GOVERNING THE CONTROL OF AIR POLLUTION; or~~

(b) A rule adopted by the commissioner of the department to implement such statutes, and which is not federally enforceable.

Readopt with amendment Env-A 101.187, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 105.19, to read as follows:

Env-A ~~101.187~~***105.19*** “Stationary source” means either of the following depending on the purpose for its use:

(a) For purposes of RSA 125-C, “stationary source” means any building, structure, facility, or installation that emits or might emit any regulated air pollutant, or any air pollutant subject to regulation under the federal Clean Air Act, N.H. RSA 125-C, or Env-A 100 et seq.; or

(b) For purposes of RSA 125-I, “stationary source” means “stationary source” as defined in RSA 125-I:2, XV, ~~namely “any building, structure, facility, or installation that emits or may emit a regulated toxic air pollutant or air contaminant into the ambient air.”~~ ***reprinted in Appendix C.***

Readopt Env-A 101.187~~8~~, eff. 5-1-97 (doc. #6505-A, non-expiring), and renumber as Env-A 105.20, to read as follows:

Env-A ~~101.188~~***105.20*** “Steam generating unit” means any furnace, boiler, or other device used for combusting fuel for the purpose of producing steam by heat transfer.

Readopt with amendment Env-A 101.189 through Env-A 101.191, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.21 through Env-A 105.23, to read as follows:

Env-A ~~101.189~~***105.21*** “Steam vent” means a point on steam generating equipment, a steam transport line, a condensate return system, or non-contact steam heat equipment, where steam ~~may~~***can*** be released in the same condition as generated. ~~“Steam vent”~~ ***The term*** excludes points of emission on process equipment or equipment heated by steam injection, including steam eductors, which could introduce a regulated air pollutant, a toxic air pollutant, or carbon monoxide into the steam.

Env-A ~~101.190~~***105.22*** “Sulfur compound” means ~~all~~***any*** organic or inorganic chemicals having ~~an~~***at least one or more*** atoms of sulfur in ~~their~~***its*** chemical structure.

Env-A ~~101.191~~***105.23*** “Sulfur dioxide” means a colorless gas at standard conditions ~~which~~***that*** has the molecular formula SO₂.

Readopt with amendment Env-A 101.192, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.24, to read as follows:

Env-A ~~101.192~~***105.24*** “Synthetic minor source” means a stationary source or area source ~~which~~***that*** has chosen to limit its potential to emit by accepting federally-enforceable permit conditions ~~which~~***that*** restrict any ***one or more*** of the following:

- (a) Hours of operation;
- (b) Type or amount of material combusted, stored, or processed; or
- (c) Level of production.

Readopt with amendment Env-A 101.193, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 105.25, to read as follows:

Env-A ~~101.193~~***105.25*** “Systemic effect” means a type of toxic effect ~~which~~***that*** requires absorption and distribution of a toxicant from its entry point into the body to a distant site in the body, where deleterious effects are produced.

Readopt with amendment Env-A 101.194, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.26, to read as follows:

Env-A ~~101.194~~***105.26*** “Temporary permit” means a permit ~~which may~~***that can*** contain conditions, and/or emission limits, ***or both***, ~~which that~~ is issued prior to the commencement of construction or installation of any new or modified device for a period no longer than 18 months.

Readopt with amendment Env-A 101.195, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 105.27, to read as follows:

Env-A ~~101.195~~***105.27*** “Threshold limit value” means “threshold limit value” as defined in RSA 125-I:2, XVI, namely “the threshold limit value time weighted average (TLV TWA) as set forth in the American Conference of Governmental Industrial Hygienists (ACGIH) 1995 list and as amended thereafter.” ***reprinted in Appendix C.***

Readopt Env-A 101.196, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.28, to read as follows:

Env-A ~~101.196~~***105.28*** “Title I modification” means changes at a source that qualify as a modification under section 111 New Source Performance Standards or section 112(g) Modifications involving Hazardous Air Pollutants, or as a significant permit modification under Part C Prevention of Significant Deterioration or Part D Plan Requirements for Nonattainment, in title I of the Act.

Readopt with amendment Env-A 101.197, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.29, to read as follows:

Env-A ~~101.197~~***105.29*** “Title V operating permit” means “part 70 permit” as defined in 40 CFR 70.2, ~~namely “any permit or group of permits covering a part 70 source that is issued, renewed, amended, or revised pursuant to this part.”~~ ***reprinted in Appendix D.*** ~~This A Title V operating permit~~ is a federally-enforceable permit or group of permits for a particular source ~~which that~~ is issued, renewed, amended, or revised by the director pursuant to title V of the Act and Env-A 600. For the purpose of these rules, this term shall include “permit to operate” as used in RSA 125-C:11, I-a.

Readopt with amendment Env-A 101.198, eff. 3-28-98 (doc. #6724-A, non-expiring), and renumber as Env-A 105.30, to read as follows:

Env-A ~~101.198~~***105.30*** “Total reduced sulfur (TRS)” means the sum of the sulfur compounds; ***present, including but not limited to*** hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide; ~~that are released during the kraft pulping operation and measured by EPA Reference Method 16 in Appendix A of 40 CFR Part 60.~~

Readopt with amendment Env-A 101.199 through Env-A 101.206, eff. 3-8-03 (doc. #7845, non-expiring), and renumber as Env-A 105.31 through Env-A 105.38, to read as follows:

Env-A ~~101.199~~***105.31*** “Type 0 waste” means a mixture of highly combustible waste ~~such as paper, cardboard cartons, wood boxes, and combustible floor sweepings~~, from commercial and industrial activities, ***including but not limited to paper, cardboard, wood, and combustible floor sweepings***, ~~which that~~ has a heating value of at least 4718 calories per gram, ***equivalent to*** 8500 BTUs per pound, as fired, and contains:

(~~1a~~) Up to 10 percent by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags, and plastic or rubber scraps;

(~~2b~~) Up to 10 percent moisture; and

(~~3c~~) ***Up to*** 5 percent incombustible solids by weight.

Env-A ~~101.200~~***105.32*** “Type 1 waste” means a mixture of combustible waste ~~such as paper, cardboard cartons, wood scrap, foliage, and combustible floor sweepings~~, from domestic, commercial, and industrial activities, ***including but not limited to paper, cardboard, wood, foliage, and combustible floor sweepings***,

~~which~~***that*** has a heating value of at least 3608 calories per gram, ***equivalent to*** 6500 BTUs per pound, as fired, and contains:

(~~1a~~) Up to 20 percent by weight of restaurant or cafeteria waste but little or no treated papers, plastic or rubber waste;

(~~2b~~) Up to 25 percent moisture; and

(~~3c~~) ***Up to*** 10 percent incombustible solids by weight.

Env-A ~~101.201~~***105.33*** "Type 2 waste" means an approximately even mixture of domestic rubbish and garbage by weight, which has a heating value of at least 2386 calories per gram, ***equivalent to*** 4300 BTUs per pound, as fired, and contains:

(~~1a~~) Up to 50 percent moisture; and

(~~2b~~) ***Up to*** 7 percent incombustible solids by weight.

Env-A ~~101.202~~***105.34*** "Type 3 waste" means animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets, and like installations, ~~which~~***that*** has a heating value of at least 1388 calories per gram, ***equivalent to*** 2500 BTUs per pound, as fired, and contains:

(~~1a~~) Up to 70 percent moisture; and

(~~2b~~) ***Up to*** 5 percent incombustible solids by weight.

Env-A ~~101.203~~***105.35*** "Type 4 waste" means human and animal carcasses, organs, and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources, ~~which~~***that*** has a heating value of at least 555 calories per gram, ***equivalent to*** 1000 BTUs per pound, as fired, and contains:

(~~1a~~) Up to 85 percent moisture; and

(~~2b~~) ***Up to*** 5 percent incombustible solids by weight.

Env-A ~~101.204~~***105.36*** "Type 5 waste" means a gaseous, liquid, or semi-liquid by-product waste, ~~such as tar, paints, solvents, sludge, and fumes~~ from industrial operations, ***including but not limited to tar, paints, solvents, sludge, and fumes.***

Env-A ~~101.205~~***105.37*** "Type 6 waste" means a solid by-product waste, ~~such as rubber, plastic, and wood waste~~, from industrial operations, ***including but not limited to rubber, plastic, and wood waste.***

Env-A ~~101.206~~***105.38*** "Type 7 waste" means municipal sewage sludge waste, consisting of residue generated from the processing of raw sludge ~~from~~***at*** a ***wastewater*** treatment plant.

Readopt Env-A 101.207, eff. 3-8-03 (doc. #7845, non-expiring), and renumber as Env-A 105.39, to read as follows:

Env-A ~~101.207~~***105.39*** "Typical high ozone season day" means daily operating conditions that are representative of the high ozone season.

Readopt with amendment Env-A 101.208, eff. 3-5-97 (doc. #6468-A, non-expiring), and renumber as Env-A 105.40, to read as follows:

Env-A ~~101.208~~***105.40*** "Uncontrolled emission" means "uncontrolled emission" as defined in RSA 125-I:2, XVII, namely ~~"any emission of a regulated toxic air pollutant from a device or process at a stationary source that is not subject to treatment or removal by pollution control equipment prior to being emitted to the ambient air, or is emitted to the ambient air in amounts which have not been limited by conditions in an enforceable permit or document."~~***reprinted in Appendix C.***

Text deleted from existing rules shown ~~struck through~~Text that is completely new (introduced with **Insert** or **Adopt**) in regular font

Readopt with amendment Env-A 101.209, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.41, to read as follows:

Env-A ~~101.209~~***105.41*** “Unit” means ~~the definition stated for “device” pursuant to this part as defined in Env-A 103.~~

Readopt Env-A 101.210, eff. 4-4-14 (doc. #10549, non-expiring), and renumber as Env-A 105.42, to read as follows:

Env-A ~~101.210~~***105.42*** “Unobstructed” as applied to exhaust stacks for purposes of modeling means that:

- (a) There is no impediment to vertical flow from the exhaust stack; and
- (b) The exhaust stack extends at least 2 feet higher than any roofline within 10 feet of the exhaust stack exit, measured horizontally.

Readopt with amendment Env-A 101.211, eff. 7-10-96 (doc. #6283-A, non-expiring), and renumber as Env-A 105.43, to read as follows:

Env-A ~~101.211~~***105.43*** “Untreated wood” means any timber, board, or sawn dimensional lumber ~~which~~ ***that*** has not been treated, coated, or preserved. ~~This~~***The*** term does not include any manufactured building material, such as plywood or waferboard.

Readopt with amendment Env-A 101.212, eff. 5-29-97 (doc. #6519-A, non-expiring), and renumber as Env-A 105.44, to read as follows:

Env-A ~~101.212~~***105.44*** “Used oil” means “used oil” as defined in ~~Env-Wm 110~~***Env-Hw 104***, namely ~~“any oil that has been refined from crude oil which, through use or handling, has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.”~~ ***reprinted in Appendix E.***

Readopt with amendment Env-A 101.213 and Env-A 101.214, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.45 and Env-A 46, to read as follows:

Env-A ~~101.213~~***105.45*** “Vehicle” means a vehicle powered ***in whole or in part*** by either a gasoline combustion ***engine*** or ***a*** diesel engine.

Env-A ~~101.214~~***105.46*** “Volatile organic compound (VOC)” means any compound of carbon, ~~excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate, which~~ ***that*** participates in atmospheric photochemical reactions, ***excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.*** The term does not include any organic compound that the administrator of the EPA designates in 40 CFR 51.100(s) as having no or negligible photochemical reactivity.

Readopt with amendment Env-A 101.215, eff. 5-1-97 (doc. #6506-A, non-expiring), and renumber as Env-A 105.47, to read as follows:

Env-A ~~101.215~~***105.47*** “Waiver” means a grant of permission ~~to a person upon individual request in order to derogate~~ ***to deviate*** from a requirement or a group of requirements, ***typically given in response to a specific request.***

Readopt with amendment Env-A 101.216, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.48, to read as follows:

Env-A ~~101.216~~***105.48*** “Waste” means any matter consisting of garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control equipment and other discarded or abandoned material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

Readopt Env-A 101.217, eff. 3-28-98 (doc. #6724-A, non-expiring), and renumber as Env-A 105.49, to read as follows:

Env-A ~~101.217~~***105.49*** “White liquor” means the sodium sulfide and sodium hydroxide solution used in the kraft pulping process to chemically dissolve the organic substance that binds the cellulose fibers together.

Readopt with amendment Env-A 101.218, eff. 9-28-96 (doc. #6342-A, non-expiring), and renumber as Env-A 105.50, to read as follows:

Env-A ~~101.218~~***105.50*** “Whole tree chip” means a piece of wood produced by chipping a whole tree, including wood, bark, tree tops, limbs, and logging residue.

Readopt with amendment Env-A 101.219, eff. 6-30-95 (doc. #6057-A, non-expiring), and renumber as Env-A 105.51, to read as follows:

Env-A ~~101.219~~***105.51*** “Wood waste burner” means any device ~~such as burners~~ used to dispose of wood waste by burning, ~~and which are~~ commonly known as teepees, wigwams, truncated cones, or silos.

Readopt with amendment Env-A 101.220, eff. 4-1-97 (doc. #6482-A, non-expiring), and renumber as Env-A 105.52, to read as follows:

Env-A ~~101.220~~***105.52*** “Working days” means, ***unless otherwise defined for a specific chapter,*** Monday through Friday, ~~and includes~~***not including state*** holidays ~~which fall on any of the days Monday through Friday.~~

APPENDIX A: STATE STATUTES, FEDERAL STATUTES AND REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Statute, Regulation Implemented
Env-A 100 (see additional specifics, below)	RSA 125-C, RSA 125-D, RSA 125-I, RSA 125-J, RSA 125-M, RSA 125-N, RSA 125-O, RSA 125-R, RSA 141-E	
Env-A 102.34	RSA 125-C:4, I(a)	40 CFR § 52.21
Env-A 102.53	RSA 125-C:4, I(k); RSA 125-C:6, XI	42 U.S.C. § 7651a(7)
Env-A 103.01	RSA 125-I:5, V	
Env-A 103.04	RSA 125-D:3	42 U.S.C. § 7651a(26); 40 CFR 72.2
Env-A 103.11	RSA 125-C:4, I(a); RSA 125-C:6, XIV; RSA 125-C:11, I & III	42 U.S.C. §§ 7410, 7502(c), 7511c
Env-A 103.14	RSA 125-C:4, I(a)	42 U.S.C. § 7661a(b)(10)
Env-A 103.21	RSA 125-C:4, I(a); RSA 125-I:6, II; RSA 141-E:4, II	
Env-A 103.32	RSA 125-C:4, I(a)	
Env-A 103.40	RSA 125-C:4, I(a); 125-L:1, IV	40 CFR § 52.21
Env-A 103.48	RSA 125-C:6, II	
Env-A 104.02	RSA 125-C:4, I(a)	42 U.S.C. § 7661(2); 40 CFR 70.2
Env-A 104.06	RSA 125-C:10, I	
Env-A 104.07	RSA 125-C:10, II	42 U.S.C. § 7661a(b)(6); 40 CFR 70.7(e)(2)
Env-A 104.22	RSA 125-C:4, I(a)	

Rule Section(s)	State Statute(s) Implemented	Federal Statute, Regulation Implemented
Env-A 104.53	RSA 125-C:4, I(g)	42 U.S.C. § 7661b; 40 CFR 70.2
Env-A 105.17	RSA 125-C:11, I & III	
Env-A 105.31 - 105.38	RSA 125-C:4, I(a)	
Env-A 105.42	RSA 125-C:4, I(a)	
Env-A 105.45	RSA 125-C:4, I(a); RSA 125-C:6, II	40 CFR 51.110(s)
Env-A 105.47	RSA 125-C:4, I(a)	
Env-A 105.50	RSA 125-C:4, I(a)	

APPENDIX B: DOCUMENTS INCORPORATED BY REFERENCE

[NONE IN THIS CHAPTER]

APPENDIX C: STATE STATUTORY DEFINITIONS

RSA 125-C:2:

I-a. “Affected source,” any stationary source, the construction, installation, operation, and modification of which is subject to Title V, Clean Air Act, 42 U.S.C. 7401 et seq., as amended.

II. “Air contaminant,” soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

III. “Air pollution,” the presence in the outdoor atmosphere of one or more contaminants or any combination thereof in sufficient quantities and of such characteristics and duration as are or are likely to be injurious to public welfare, to the health of human, plant, or animal life, or cause damage to property or create a disagreeable or unnatural odor or obscure visibility or which unreasonably interfere with the enjoyment of life and property.

VI. “Device which contributes to air pollution,” any burner, furnace, machine, equipment or article which, in the opinion of the commissioner, contributes or may contribute to the pollution of the air.

VIII. “Emission,” a release into the outdoor atmosphere of air contaminants.

X. “Person,” any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

RSA 125-I:2:

I. “Air contaminant” means soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

II. “Air toxic” means air contaminants designated by the commissioner of the department of environmental services from the organic compounds and metals listed by the United States Environmental Protection Agency in the Code of Federal Regulations, Title 40, Part 261, Subparts C and D and Table 4 of 450/5-86-011a and subsequent updates.

III. “Ambient air” means the unconfined atmosphere that envelops the earth.

IV. “Ambient air limit” means the standard designated pursuant to RSA 125-I:4 that establishes the maximum allowable concentration of emissions of a specific regulated toxic air pollutant at or beyond the compliance boundary.

IX. “Device” means any burner, furnace, machine, equipment, or article which emits a regulated toxic air pollutant or air contaminant into the ambient air.

X. “Modification” means any physical or operational change in a stationary source or device which increases the amount of a specific regulated toxic air pollutant emitted by such source or device, or which results in the emission of any additional regulated toxic air pollutant.

XI. “Pollution control equipment” means any device that treats, removes, restricts, or otherwise controls the release or discharge of regulated toxic air pollutants that is not vital to normal productions operations.

XII. “Process” means any operation which combines devices, equipment, raw materials, utilities, and manpower for the production of goods, services, energy, pollution control, or other purposes which emits a regulated toxic air pollutant into the ambient air.

XIII. “Reference concentration limit” means an estimate established by the United States Environmental Protection Agency of a daily exposure to the human population, including sensitive subgroups, that is likely to be without an appreciable risk of deleterious noncancer effects during a lifetime.

XIV. “Regulated toxic air pollutant” means any substance or compound emitted into the ambient air by a stationary source and designated a regulated toxic air pollutant pursuant to RSA 125-I:4. Regulated toxic air pollutants are classified as:

(a) Class I, meaning any regulated toxic air pollutant recognized by the United States Environmental Protection Agency as a Group A-Human Carcinogen or Group B-Probable Human Carcinogen, as referenced in 51 Federal Register 34,000 (1986), or otherwise designated a regulated toxic air pollutant-Class I by the commissioner pursuant to rules adopted under RSA 125-I:3.

(b) Class II, meaning any regulated toxic air pollutant other than a regulated toxic air pollutant Class I, which is recognized by the United States Environmental Protection Agency as a Group C-Possible Human Carcinogen, as referenced in 51 Federal Register 34,000 (1986), or otherwise designated a regulated toxic air pollutant-Class II by the commissioner pursuant to rules adopted under RSA 125-I:3.

(c) Class III, meaning any regulated toxic air pollutant other than a regulated toxic air pollutant-Class I or Class II.

XV. “Stationary source” means any building, structure, facility, or installation that emits or may emit a regulated toxic air pollutant or air contaminant into the ambient air.

XVI. “Threshold limit value” means the threshold limit value-time weighted average (TLV-TWA) as set forth in the American Conference of Governmental Industrial Hygienists (ACGIH) 1995 list and as amended thereafter.

XVII. “Uncontrolled emission” means any emission of a regulated toxic air pollutant from a device or process at a stationary source that is not subject to treatment or removal by pollution control equipment prior to being emitted to the ambient air, or is emitted to the ambient air in amounts which have not been limited by conditions in an enforceable permit or document.

RSA 125-J:1:

II. “Allowable emissions” means the emission rate of a device or source calculated using the maximum rated capacity of the device or source, or, if applicable, federally enforceable limits which restrict the emission rate, operating rate, hours of operation, or any combination thereof, and the most stringent of the following:

- (a) Any applicable standard set forth in 40 C.F.R. part 60 or 40 C.F.R. part 61;
- (b) Any applicable New Hampshire state implementation plan emissions limitation, including a limitation with a future compliance date; or
- (c) Any emissions rate specified as a condition of a federally enforceable permit issued by the department or EPA, including those with a future compliance date, or a federally enforceable emissions reductions credit certificate issued pursuant to an EPA-approved economic incentive program (“EIP”).

APPENDIX D: FEDERAL DEFINITIONS CITED IN ENV-A 100**40 CFR 51.100 Definitions.**

(f) *Owner or operator* means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect.

(o) *Reasonably available control technology (RACT)* means devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account:

(1) The necessity of imposing such controls in order to attain and maintain a national ambient air quality standard;

(2) The social, environmental, and economic impact of such controls; and

(3) Alternative means of providing for attainment and maintenance of such standard. (This provision defines RACT for the purposes of §51.341(b) only.)

(qq) *PM₁₀* means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on appendix J of part 50 of this chapter and designated in accordance with part 53 of this chapter or by an equivalent method designated in accordance with part 53 of this chapter.

40 CFR 52.21

(b) *Definitions.* For the purposes of this section:

(1)(i) Major stationary source means:

(a) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants (with thermal dryers), primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants (which does not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140), fossil-fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

(b) Notwithstanding the stationary source size specified in paragraph (b)(1)(i) of this section, any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant; or

(c) Any physical change that would occur at a stationary source not otherwise qualifying under paragraph (b)(1) of this section, as a major stationary source, if the changes would constitute a major stationary source by itself.

(ii) A major source that is major for volatile organic compounds or NO_x shall be considered major for ozone.

(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

- (d) Primary zinc smelters;
- (e) Iron and steel mills;
- (f) Primary aluminum ore reduction plants;
- (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (i) Hydrofluoric, sulfuric, or nitric acid plants;
- (j) Petroleum refineries;
- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants--The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, and
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

(12) *Best available control technology* means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under Act which would be emitted from any proposed major stationary source or major modification which the Administrator, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(49) *Subject to regulation* means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of this chapter, that requires actual control of the quantity of emissions of that pollutant, and that such a control

requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:

(i) *Greenhouse gases (GHGs)*, the air pollutant defined in §86.1818-12(a) of this chapter as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation except as provided in paragraphs (b)(49)(iv) through (v) of this section and shall not be subject to regulation if the stationary source maintains its total source-wide emissions below the GHG PAL level, meets the requirements in paragraphs (aa)(1) through (15) of this section, and complies with the PAL permit containing the GHG PAL.

(ii) For purposes of paragraphs (b)(49)(iii) through (v) of this section, the term *tpy CO₂ equivalent emissions (CO₂e)* shall represent an amount of GHGs emitted, and shall be computed as follows:

(a) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of part 98 of this chapter— Global Warming Potentials. For purposes of this paragraph, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

(b) Sum the resultant value from paragraph (b)(49)(ii)(a) of this section for each gas to compute a tpy CO₂e.

(iii) The term *emissions increase* as used in paragraphs (b)(49)(iv) through (v) of this section shall mean that both a significant emissions increase (as calculated using the procedures in paragraph (a)(2)(iv) of this section) and a significant net emissions increase (as defined in paragraphs (b)(3) and (b)(23) of this section) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO₂e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and “significant” is defined as 75,000 tpy CO₂e instead of applying the value in paragraph (b)(23)(ii) of this section.

(iv) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(a) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO₂e or more; or

(b) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO₂e or more; and,

(50) *Regulated NSR pollutant*, for purposes of this section, means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated. This includes, but is not limited to, the following:

(a) PM_{2.5} emissions and PM₁₀ emissions shall include gaseous emissions from a source or activity, which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM_{2.5} and PM₁₀ in PSD permits. Compliance with emissions limitations for PM_{2.5} and PM₁₀ issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included.

(b) Any pollutant identified under this paragraph (b)(50)(i)(b) as a constituent or precursor for a pollutant for which a national ambient air quality standard has been promulgated. Precursors identified by the Administrator for purposes of NSR are the following:

(1) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(2) Sulfur dioxide is a precursor to PM_{2.5} in all attainment and unclassifiable areas.

(3) Nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations.

(4) Volatile organic compounds are presumed not to be precursors to PM_{2.5} in any attainment or unclassifiable area, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM_{2.5} concentrations.

(ii) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(iii) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act;

(iv) Any pollutant that otherwise is subject to regulation under the Act as defined in paragraph (b)(49) of this section.

(v) Notwithstanding paragraphs (b)(50)(i) through (iv) of this section, the term regulated NSR pollutant shall not include any or all hazardous air pollutants either listed in section 112 of the Act, or added to the list pursuant to section 112(b)(2) of the Act, and which have not been delisted pursuant to section 112(b)(3) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

40 CFR 60.2 Definitions.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

40 CFR 60.41 Definitions.

Coal means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D388 (incorporated by reference, see §60.17).

40 CFR 70.2 Definitions:

Affected States are all States:

(1) Whose air quality may be affected and that are contiguous to the State in which a part 70 permit, permit modification or permit renewal is being proposed; or

(2) That are within 50 miles of the permitted source.

Applicable requirement means all of the following as they apply to emissions units in a part 70 source (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future-effective compliance dates):

(1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in part 52 of this chapter;

(2) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under title I, including parts C or D, of the Act;

(3) Any standard or other requirement under section 111 of the Act, including section 111(d);

(4) Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act;

(5) Any standard or other requirement of the acid rain program under title IV of the Act or the regulations promulgated thereunder;

(6) Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;

- (7) Any standard or other requirement under section 126(a)(1) and (c) of the Act;
- (8) Any standard or other requirement governing solid waste incineration, under section 129 of the Act;
- (9) Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act;
- (10) Any standard or other requirement for tank vessels under section 183(f) of the Act;
- (11) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;
- (12) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a title V permit; and
- (13) Any national ambient air quality standard or increment or visibility requirement under part C of title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

Emissions allowable under the permit means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

Emissions unit means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act. This term is not meant to alter or affect the definition of the term “unit” for purposes of title IV of the Act.

Final permit means the version of a part 70 permit issued by the permitting authority that has completed all review procedures required by §§70.7 and 70.8 of this part.

Fugitive emissions are those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

General permit means a part 70 permit that meets the requirements of §70.6(d).

Major source means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in paragraph (1), (2), or (3) of this definition. For the purposes of defining “major source,” a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

- (1) A major source under section 112 of the Act, which is defined as:
 - (i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
 - (ii) For radionuclides, “major source” shall have the meaning specified by the Administrator by rule.
- (2) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive

emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

- (i) Coal cleaning plants (with thermal dryers);
 - (ii) Kraft pulp mills;
 - (iii) Portland cement plants;
 - (iv) Primary zinc smelters;
 - (v) Iron and steel mills;
 - (vi) Primary aluminum ore reduction plants;
 - (vii) Primary copper smelters;
 - (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
 - (ix) Hydrofluoric, sulfuric, or nitric acid plants;
 - (x) Petroleum refineries;
 - (xi) Lime plants;
 - (xii) Phosphate rock processing plants;
 - (xiii) Coke oven batteries;
 - (xiv) Sulfur recovery plants;
 - (xv) Carbon black plants (furnace process);
 - (xvi) Primary lead smelters;
 - (xvii) Fuel conversion plants;
 - (xviii) Sintering plants;
 - (xix) Secondary metal production plants;
 - (xx) Chemical process plants--The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
 - (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
 - (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (xxiii) Taconite ore processing plants;
 - (xxiv) Glass fiber processing plants;
 - (xxv) Charcoal production plants;
 - (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
 - (xxvii) Any other stationary source category, which as of August 7, 1980 is being regulated under section 111 or 112 of the Act.
- (3) A major stationary source as defined in part D of title I of the Act, including:
- (i) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as “marginal” or “moderate,” 50 tpy or more in areas classified as “serious,” 25 tpy or more in areas classified as “severe,” and 10 tpy or more in areas classified as “extreme”; except that the references in this paragraph to 100, 50, 25 and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under section 182(f) (1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;
 - (ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of volatile organic compounds;
 - (iii) For carbon monoxide nonattainment areas:
 - (A) That are classified as “serious,” and
 - (B) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide; and
 - (iv) For particulate matter (PM-10) nonattainment areas classified as “serious,” sources with the potential to emit 70 tpy or more of PM-10.

Potential to emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term “capacity factor” as used in title IV of the Act or the regulations promulgated thereunder.

Regulated air pollutant means the following:

- (1) Nitrogen oxides or any volatile organic compounds;
- (2) Any pollutant for which a national ambient air quality standard has been promulgated;
- (3) Any pollutant that is subject to any standard promulgated under section 111 of the Act;
- (4) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act; or

Responsible official means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

- (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
- (ii) The delegation of authority to such representatives is approved in advance by the permitting authority;

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(3) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(4) For affected sources:

- (i) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated thereunder are concerned; and
- (ii) The designated representative for any other purposes under part 70.

Part 70 permit or *permit* (unless the context suggests otherwise) means any permit or group of permits covering a part 70 source that is issued, renewed, amended, or revised pursuant to this part.

Subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of this chapter, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:

(1) *Greenhouse gases (GHGs)*, the air pollutant defined in § 86.1818–12(a) of this chapter as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tpy CO₂ equivalent emissions.

(2) The term *tpy CO₂ equivalent emissions (CO₂e)* shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas’s associated global warming potential published at Table A–1 to subpart A of

part 98 of this chapter—Global Warming Potentials, and summing the resultant value for each to compute a tpy CO₂e. For purposes of this paragraph, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

40 CFR 70.7 Permit issuance, renewal, reopenings, and revisions:

(d) Administrative permit amendments. (1) An “administrative permit amendment” is a permit revision that:

- (i) Corrects typographical errors;
- (ii) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- (iii) Requires more frequent monitoring or reporting by the permittee;
- (iv) Allows for a change in ownership or operational control of a source where the permitting authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the permitting authority;

APPENDIX E: DEFINITION FROM ENV-HW

Env-Hw 104.76 “Used oil” means any oil that has been refined from crude oil and any synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.